

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**MACK ARTHUR KING**

**PETITIONER**

v.

**No. 1:10CV7-SA**

**CHRISTOPHER EPPS, ET AL.**

**RESPONDENTS**

**ORDER**

On September 14, 2010, the same day that this Court entered an order denying Petitioner's motion for expert access, Petitioner filed the instant motion requesting leave to proceed *ex parte, in camera*, and on a sealed record with regard to applications for investigative and expert funds. [See docket entry no. 13].

A federal habeas petitioner may seek funds for investigative or expert services under 18 U.S.C. § 3599, and a district court may authorize that assistance if Petitioner demonstrates a substantial need for the funds in order to develop a viable habeas claim. *See* 18 U.S.C. § 3599(f); *Riley v. Dretke*, 262 F.3d 302, 307 (5<sup>th</sup> Cir. 2004). Additionally, he may move ex parte and upon a sealed record on application for assistance only if he makes a proper showing of the need for confidentiality. 18 U.S.C. § 3599(f).

The instant motion states that Petitioner requires expert assistance to develop his claims under *Ake v. Oklahoma*, 470 U.S. 68 (1985) and *Atkins v. Virginia*, 536 U.S. 304 (2002) and investigative assistance to develop his claims under *Strickland v. Washington*, 466 U.S. 668 (1984). The instant request fails to demonstrate a substantial need for investigative and/or expert assistance, much less why such assistance should be granted ex parte and under seal. Therefore, the instant motion is **DENIED**.

**SO ORDERED**, this the 29th day of September, 2010.

/s/ Sharion Aycock  
**U.S. DISTRICT JUDGE**